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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,457

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EXAMINER

ALVESTEFFER, STEPHEN D

ART UNIT

PAPER NUMBER

2175

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,457	Applicant(s) STAUDER ET AL.	
	Examiner Stephen Alvesteffer	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to the Amendment filed November 19, 2008.

Claims 1, 2, 4-6, 8, and 13-17 are amended. Claims 1 and 13 are independent. Claims 1-17 remain pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et. al (hereinafter Inoue), Image Filing System Capable of Quick Retrieval, February 1986.

Regarding claim 1, Inoue teaches a process for access to multimedia elements stored by means of digital data, an image being associated with each element so as to control access to said elements (see Inoue page 10, "Image Retrieval", "Keyword Retrieval"), wherein said process comprises displaying a first group of images associated with first elements, and associating, with at least one of the displayed images, means for controlling the display of a second group of images associated with second elements, which group is distinct from the first group of images, wherein said means for controlling contain selection criteria related to the nature or content of the

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elements (see Inoue pages 10-12, Figure 8, “*there is one representative image for each group*”).

Regarding claim 2, Inoue teaches that said process further comprises associating, with at least one of the images of the second group of images, means for controlling the display of a third group of images associated with third elements, which group is distinct from the second group of images (see Inoue pages 10-12, Figure 8, “*there is one representative image for each group*”).

Regarding claim 3, Inoue teaches that a first group of images is displayed automatically as soon as means for displaying images are activated (retrieved) (see Inoue pages 10-12, Figure 8).

Regarding claim 4, Inoue teaches that the process further comprises displaying means for activating (retrieving) the display of a first group of images when an operation is performed on a multimedia element (see Inoue pages 10-12, Figure 8).

Regarding claim 5, Inoue teaches that the process further comprises displaying means for controlling operations when a group of images is displayed (see Inoue pages 10-12, Figure 8).

Regarding claim 6, Inoue teaches that the number of images displayed is less than ten (see Inoue Figure 8).

Regarding claim 7, Inoue teaches that the elements corresponding to one and the same selection criterion forming a group, images associated with elements belonging to one and the same group are displayed in a group (see Inoue pages 10-12, Figure 8).

Regarding claim 8, Inoue teaches that one selects an image and/or a group from which are chosen images displayed by considering at least one of the following criteria: a frequency of access, a date of storage, a file size, technical parameters specific to the associated images, a theme associated with the element, membership of one and the same semantic group, a similarity relating to the nature and/or to the content of the element, a random decision or a user's preferences (see Inoue Figures 8 and 9, showing theme associated with the element).

Regarding claim 9, Inoue teaches that the multimedia elements relate to video sequences, images, pieces of music and/or texts (see Inoue Figures 8 and 9, showing images).

Regarding claim 10, Inoue teaches that a multimedia element relating to a photograph or to a video sequence, the image associated with this element is generated from this photograph or from this video sequence (see Inoue page 5, Figure 2).

Regarding claim 11, Inoue teaches that an element is accessed by generating the display thereof (see Inoue Figure 8).

Regarding claim 12, Inoue teaches that the displaying of the images is performed according to a chronological mode or according to a thematic mode (see Inoue Fig. 9, showing thematic mode).

Claims 13-17 recite a device having substantially the same limitations as the process of claims 1-4 and 12, respectively. Therefore, the claims are rejected under the same rationale.

Response to Arguments

Applicant has amended the specification to include the appropriate section headings. Accordingly, the objection to the specification is withdrawn.

Applicant has amended claims 4, 5, and 16 to obviate the 35 USC 101 rejection. Accordingly, the 35 USC 101 rejection of claims 4, 5, and 16 is withdrawn.

Applicant has amended claims 1, 4-6, 8, and 13-17 to overcome 35 USC 112 second paragraph problems. Accordingly, the 35 USC 112 rejections of claims 1-7 are withdrawn.

Applicant asserts that Inoue does not disclose means for controlling the display of the second group of images, wherein said means for controlling contain selection criteria related to the nature or content of the elements. The examiner respectfully disagrees.

Inoue appears to meet the limitations set forth by the recited claim language. In Inoue, “there is one representative image for each group” (page 12). These representative images are the means for controlling the display of each group of images, and contain selection criteria related to the nature or content of the elements (page 12, Figure 9, showing selection criteria keywords contained by the representative images).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Stone et al. (US 5,729,704) User-directed method for operating on an object-based model data structure through a second contextual image
- Blumer et al. (US 6,189,019) Computer system and computer-implemented process for presenting document connectivity
- Mastronardi (US 6,346,951) Process for selecting a recording on a digital audiovisual reproduction system, for implementing the process
- Schreiber et al. (US 2003/0179228) Instance browser for ontology
- Aguera Y Arcas (US 7,286,708) Method for encoding and serving geospatial or other vector data as images

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Alvesteffer whose telephone number is (571)270-1295. The examiner can normally be reached on Monday-Friday 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stephen Alvesteffer
Examiner
Art Unit 2175

/S. A./
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